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10/611,616	06/30/2003	Ling Chen	1020.P16534	1415
57035	7590	09/10/2007	EXAMINER	
KACVINSKY LLC			NGUYEN, TANH Q	
C/O INTELLEVATE				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/611,616

Applicant(s)

CHEN, LING

Examiner

Tanh Q. Nguyen

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 20-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 20-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 18, 2007 has been entered.

### ***Claim Objections***

2. Claims 5, 6, 11, 12, 17, 22, 23 are objected to because of the following informalities:

"said processed audio information" in line 6 of claim 5 should be replaced with "said processed frame of audio information" for clarity because only one frame is processed.

"said components" in line 5 of claim 6 should be replaced with "said plurality of components" for consistency.

"said components" in line 8 of claim 6 should be replaced with "said plurality of components" for consistency.

"said components" in line 2 of claim 11 should be replaced with "said plurality of components" for consistency.

"said frame boundary" in line 5 of claim 6 should be replaced with "said determined frame boundary" for consistency.

"said processed audio information" in line 5 of claim 12 should be replaced with "said processed frame of audio information" for clarity because only one frame is processed.

"said processed audio information" in lines 4-5 of claim 17 should be replaced with "said processed frame of audio information" for clarity because only one frame is processed.

"said components" in line 2 of claim 22 should be replaced with "said plurality of components" for consistency.

"said processed audio information" in lines 4-5 of claim 23 should be replaced with "said processed frame of audio information" for clarity because only one frame is processed.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

5. Claims 1-18, 20-23 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for "determining whether the storage location corresponds to a frame boundary for one of the components" and "for AID to be programmed with various frame boundaries" [0037], **does not reasonably provide**

**enablement for** “determining a frame boundary for said audio information” (e.g. line 4 of claim 1) and for “wherein the determined boundary is of at least one of the components”.

The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims.

Note that each of the components has a frame boundary, and when a storage location for a frame corresponds to a frame boundary of at least one of the components, that component will access the frame. The determined frame boundary, as argued by applicant, **cannot be** the same frame boundary of the at least one of the components. At best, the specification supports the determined frame boundary corresponding to a frame boundary of at least one of the components that is programmed by AID 302.

Note that the specification also supports determining whether the storage location of a frame corresponds to a frame boundary of at least one of the components, and accessing the frame stored at the location by the at least one of the components when the location is determined to correspond to the frame boundary of the at least one of the components.

6. Claims 14-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 14 recites “further result in said storing **by** receiving...”, claim 15 recites “further result in said storing **by** determining...”, claim 16 recites “further result in said

scheduling **by** receiving...", and claim 17 recites "further result in said accessing **by** receiving..."

The recitations are ambiguous, and it appears that claim 14 should recite "further result in said storing **comprising** receiving...", that claim 15 should recite "further result in said storing **comprising** determining...", that claim 16 should recite "further result in said scheduling **comprising** receiving...", and claim 17 should recite "further result in said accessing **comprising** receiving..." for the respective claims to make sense.

7. The following rejections are based on the examiner's best interpretation of the claims.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-2; 6-9; 13-14 are rejected under 35 U.S.C. 102(e) as being anticipated by **Parry et al. (USP 6,463,486)**.

10. As per claims 1-2, 13-14, **Parry** teaches a method and corresponding article comprising a storage medium that includes instructions to manage a buffer, comprising:  
storing audio information in a circular buffer [124, FIGs. 6, 7; col. 7, lines 30-32;

col. 7, lines 19-21];

generating a schedule of (i.e. scheduling) access to said audio information by a plurality of components [126, FIGs. 6, 7; col. 8, lines 22-24];

determining a frame boundary for said audio information [determining start location and end location of data to be read [col. 11, lines 59-64; col. 12, lines 20-24]]; and

accessing said stored audio information by said components in accordance with said schedule [col. 7, lines 32-39] and said determined frame boundary [col. 12, lines 36-39], wherein the determined frame boundary is the boundary of the frame to be processed to by least one of the components - hence the predetermined frame boundary being the frame boundary of the at least one of the components.

Parry further teaches said storing comprising receiving audio information [col. 7, lines 30-32], identifying a buffer location to store said audio information [col. 8, lines 35-41; col. 11, lines 14-16], and storing said audio information in said buffer location [col. 11, lines 14-16].

11. As per claims 6,9, Parry teaches an apparatus [FIG. 6] to perform media processing, comprising:

a circular buffer [124, FIGs. 6, 7];

an audio data module [122, FIGs. 6, 7; col. 7, lines 19-21] connected to said circular buffer;

a plurality of components [126, FIGs. 6, 7; 130, FIG. 6; col. 4, lines 55-57] connected to said circular buffer; and

a scheduling module [200, FIG. 7] connected to said audio data module and said components, said scheduling module to generate a schedule of access to said audio information stored by said circular buffer for said plurality of components, said audio data module to determine a frame boundary for said stored audio information, and said components to access said stored audio information in accordance with said schedule and said determined frame boundary, wherein the determined frame boundary is the boundary of at least one of the components, and wherein the audio data module stores audio information in the circular buffer by receiving audio information, identifying a buffer location to store the audio information, and storing said audio information in said buffer location (see rejections of claims 1-2, 12-13 above),

12. As per claims 7-8, Parry further teaches the plurality of components comprising at least a voice encoder [effect filters [col. 20, lines 59-60]] and a preprocessing module [col. 20, lines 60-64];

the plurality of components comprising at least a data modem [col. 4, lines 55-57 and a voice decoder [120, FIGs. 5, 6];

### ***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



14. Claims 18, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Parry et al.**

Parry teaches and a system to process audio information [col. 1, lines 30-33], comprising a media processing device (the media processing device of claims 6, 9) for streaming media information over the Internet [col. 1, lines 30-33].

Perry therefore discloses the invention except for the system comprising a media gateway and a media gateway controller, and except for the media gateway and the media gateway controller being connected to the media processing device.

Since Parry teaches the media processing device streaming media information over the Internet, and since it was known in the art at the time the invention was made for a media gateway to stream media between a local network and the Internet, it would have been obvious to one of ordinary skill in the art at the time the invention was made to connect a media gateway and a corresponding media gateway controller to the media processing device in order to stream data between a local network and the Internet.

### ***Response to Arguments***

15. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection. Note that the amendment to the claims is not made exactly in accordance with the discussion on May 14, 2007. Accordingly, the claims are rejected as set forth above.


**Conclusion**

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanh Q. Nguyen whose telephone number is 571-272-4154. The examiner can normally be reached on M-F 9:30AM-7:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on 571-272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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September 4, 2007

TQN  
September 4, 2007